

GREAT WORK OF THE LAWMAKERS
Senate and House Hold Three Long Sessions Each, and Make Fine Strides.

PASS NEW JUDICIARY BILL
House Concurs in Resolution to Investigate Conditions at Eastern State Hospital.

Both houses of the General Assembly held three long sessions yesterday and disposed of a great deal of business.

The bill creating five new judicial circuits went through both branches, and is now up to the Governor.

The House passed the supplemental appropriation bill, carrying \$115,000 for Jamestown and various public institutions, as well as the measure offered by Mr. Puller, to prevent the redistricting of cities for five years, except by a four-fifths vote of each house.

The bill appropriating \$10,000 to encourage immigration into Virginia was passed by the House, and at the night session the Puller bill, removing the limit of \$10,000 liability on corporations in cases of death or injury, was approved.

The bill extending the provisions of the pension laws, so as to include the widows of Confederate soldiers who were married as late as 1866.

Went Over Until To-day.
The bill of Mr. Caton to distribute the tax upon the rolling stock of corporations among the counties through which the lines of road operate, was debated at length and went over until to-day.

The Senate devoted a good deal of time to discussing the bill passed by the House providing that cities may levy taxes on abutting property owners for purposes of street improvements, but this went over at 1:30 P. M. in favor of the special and continuing order, which was the Philagiar bill on the subject of voting trusts, and this was finally passed, after a warm debate, with some immaterial amendments suggested by the patron. There was one bill offered in the Senate, but none appeared in the House.

The one offered in the Senate was by Judge Sims to establish a State Female Normal School at Fredericksburg.

The afternoon and evening sessions of the upper branch were not fraught with matters of great public interest, though some of those disposed of were of considerable importance.

THE SENATE.
Did Not Want to Advise on Subject of Spending \$50,000,000.

Senators were slow in arriving, and several moments passed while the chair patiently awaited a quorum. Owing to the Saturday half-holiday among the business houses there was no printed calendar, much inconvenience resulting therefrom. Preliminary business was very brief, there being few committee reports and but one new bill, the first in many days.

Considerable indisposition was manifested by the Senate toward adopting the memorial introduced at the request of the Congressional business, which the national legislature to spend \$50,000,000 a year on rivers and harbors. It was explained by Mr. Nelmeier, of Portsmouth, that the general assemblies of all the States would be asked by the various Congresses to memorialize the Congress upon this subject. Objection was made by Mr. Kezell, of Rockingham, and Mr. Wickham, of Hanover, who doubted if it would be proper for the Virginia Legislature to attempt to add to the Congressional business the expenditure of an immense sum of money which it knew nothing, or was supposed to know nothing, of the condition of the national finances. The Portsmouth Senator insisted that the Congressmen who prepared the memorial are on the ground, and are thoroughly familiar with the state of the treasury. He called attention to the fact that the \$50,000,000 were appropriated, Virginia would probably get a considerable portion of it. The vote on a division did not constitute a quorum, and a roll-call might force an adjournment of the day, the matter was passed by temporarily.

Constitutional Amendment.
Discussion began of the House joint resolution proposing an amendment to the Constitution so as to permit cities to levy taxes on abutting land-owners for street improvements, provided they be not in excess of 50 per cent. of the cost. Mr. Machen, of Alexandria, favored the resolution, but the debate was not continued, the hour of 11:20 bringing up the voting trust bills as a special and continuing order. Forty minutes were allowed to the Philagiar side and one hour to the Sears side, the vote to be taken not later than 1 P. M.

Mr. Stroe, of Amherst, opened the debate, speaking about twenty minutes in favor of the Philagiar bill, and at 11:40 o'clock Mr. Sears, of Montgomery, began to speak in behalf of his substitute.

Discussing the question of voting trusts in general, Mr. Sears admitted that there might be good and legitimate voting trusts, but declared that the courts should be permitted to review, and become convinced that the coffee I drank was the cause of the trouble, and determined to quit it right there.

"So I got a package of Postum Food Coffee and another and I prepared it. We did not boil it long enough the first time, and were not much impressed by it. The second time, however, we followed the directions carefully, and were more than pleased with the result.

"I can sleep like a log now, since I am using Postum; my nerves are as strong as steel, and my muscles, which used to tire easily, are hard and enduring as iron. Heavy athletics no longer give me pain in the side and chest as formerly.

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COLONEL JOE BUTTON, CLERK OF SENATE.

what it may devour." Many men, and a regrettable number of them, did right, not because it was right, but because the courts compelled them to do right. Both sides agreed that trusts should be curbed, but while the Sears substitute made the trusts in existence before the Caton act amenable to the law the Philagiar bill left them to continue for five years longer, however, iniquitous might be their provisions. The Machen Senator was severe in his denunciation of the Caton act which he declared "stalked through the General Assembly with the tread of a cat." He took occasion, however, to express his belief that the patron of the act did not realize its full import. The Philagiar bill he styled the child of the Caton act bearing the likeness of its father, which if passed would "come back like a ghost to haunt you in this chamber forevermore."

Calling attention to the precise provisions of the substitute Mr. Sears declared that it did not affect a legal voting trust, but simply declared that a trust invalid at the time it was formed should be dealt with by the courts. There was no question of disturbing the business transactions made under these trusts. The substitute validated all the acts made in the past and simply prescribed that no acts should be made in the future if the contract were unlawful.

Only Unlawful Trusts.
"Gentlemen of the Senate," declared Mr. Sears, "you will note that this substitute can affect only unlawful trusts. If a trust was valid at the time it was formed it is valid still and this does not touch it. It is only the trusts that were invalid that it affects, and if any trust opposes that, it is simply afraid to look the courts in the face."

Referring to the Ryan-Williams matter, Mr. Sears intimated that the question had been introduced into the consideration by the attorneys for Mr. Ryan, one of whom, Mr. Potter, came all the way from New York and "happened" to be in the committee room when the bills were taken up, and who there "happened" to be present, opposed the Sears substitute. Mr. Sears recited the incidents of the Ryan-Williams controversy, and declared that by a "power most damnable, placed in his hands by the General Assembly of Virginia," the New Yorker was able to oppress the stockholders in the Seaboard Air Line, a performance which he Philagiar bill proposed to allow him to continue five years longer. Judge Philagiar had claimed that the substitute would give an undue advantage to Mr. Ryan, but Mr. Sears argued that the Philagiar bill would give an undue advantage to Mr. Ryan. Regarding the particular incident of the Seaboard Air Line trust, Mr. Sears, who emphasized the fact that he held not a dollar of stock in the road, contended on the broad question of principle that the substitute should be adopted.

Under the agreement made, Judge Philagiar had to compress his reply into twenty minutes. The Montgomery Senator spoke rapidly and with some warmth, declaring that Mr. Sears had made an appeal to prejudice by intimating that the corporations were behind the Philagiar bill. The honor of the State, which had in the Caton act set its seal upon the voting trusts in existence in May, 1907, was at stake. The Senator from Mathews desired the State to go back upon its word, with the result of upsetting gigantic business operations that had been made through the voting trusts by important interests acting on the assumption that the State would stand by its own act. As for the assertion that great wrong had been done under trusts in general, and the Seaboard Air Line in particular, Judge Philagiar pointed out that the same plaintiffs always have and have had reme-

to the conference report on the Thomas bill, providing a means for the issuance of county bonds for road improvement, and then took up the conference report on the general appropriation bill. Mr. Wickham, of Hanover, chairman of the Senate Finance Committee, offered to go into a full explanation of the report, but so great was the confidence in the Philagiar side that it was not necessary, and the report was once adopted. Since Saturday night it had been decided to let the University fee at the University of Virginia stay as the Senate had fixed—ten dollars, instead of forty—difficulty in the way of the conference report on the general appropriation bill in the upper branch did not longer exist.

The House report on the Senate bill, rearranging the judicial districts and creating four new circuits, was read, and a fifth circuit, composed of Amherst, Nelson, Buckingham and Fluvanna.

Mr. Stroe, representing Amherst and Nelson, and Mr. Patterson, representing Buckingham and Fluvanna, protested against concurrence, the latter declaring that his constituents did not desire a new circuit, that an attempt was being made to roist upon them a thing they neither needed nor wanted, and that they were in the remarkable position of having their estate administered by somebody else without having a voice in the matter themselves. Both senators asked that the amendments be made to the Committee on Courts of Justice. Instantly, a motion for concurrence was made by Mr. Chapman, of Green, Mr. Kezell, of Rockingham; Mr. Shands, of Southampton, and others, who declared that reference meant the death of the entire bill, giving relief to a number of counties. There was a sharp passage between Mr. Kezell and Mr. Stroe, concerning the latter's position with reference to the new circuit. Mr. Stroe, Mr. Warren strenuously objected to "log-rolling" the amendment through the Senate, and riding rough-shod over the two senators from Amherst and Buckingham. He pointed out that the Rockingham Senator had got all the time he wanted for a hearing on his own particular case and was now leading the fight to deny the same privilege to another. Custom, he showed, required a rejection of House amendments to be followed by a conference or reference to its proper committee. In this instance an effort was being made to force an exception and compel the Senate to accept amendments the very nature of which it did not know.

The motion to refer was lost by a vote of 18 to 10, and the question then was the Kezell motion to concur. Mr. Stroe made an earnest appeal for at least as much consideration as had been given to every other senator on the floor. He declared as absolutely unfounded the suggestion by Mr. Kezell that the question of who would be the judge in the new circuit was the real milk in the cocoanut, explaining the opposition of the Amherst Senator, Captain Patterson was on his feet again about to speak when Mr. St. Clair, of Giles, moved the previous question and insisted upon the call. The motion was lost and the Buckingham Senator proceeded to object most vigorously to the new circuit, declaring among other things that the matter was kept secret from him, and that he had been given no opportunity to be heard and united with Mr. Stroe in the assertion that the new "shuffler" was an attempt to gratify the "whim" of one or two men without proper regard for the rights of the four counties affected.

The two senators lost the fight. A substitute motion made by Mr. Stroe, that the Senate refuse to concur in the amendment, was voted down, and the Senate then concurred by a vote of 22 to 10. The test came on the Stroe motion, rejecting the amendment. Mr. Wickham, of Hanover, voting no and Judge Philagiar, of Montgomery, voting aye, were paired. The division as to the others was as follows:

Yeas—Campbell, Echols, Fulton, Gunter, Harman, Lassiter, Lynn, Mann, Patterson, Sadler, Sims, Stroe, Tavenner, Thomas, Turner and Walker—15.
Nays—Anderson, Chapman, Dickinson, Garrett, Greer, Hobbs, Holt, Kezell, Lincoln, Machen, Nelmeier, Noel, Rison, Roberts, Sears, Shackelford, Shands, St. Clair and T. A. Wickham—10.

At 2:15 P. M., after some further scattering business, the chair was vacated until 4 P. M.

The Afternoon Session.
At the afternoon session, in view of the small attendance at the opening, the bill was postponed for ten minutes. The Senate concurred in the House amendment to the resolution calling for an investigation of the entire management of the Eastern State Hospital, which amendment struck out the anomalous clause relating to the continuing of the bill.

The bill was then read and the public should be admitted to the hearings and the press muzzled. Under the resolution, as finally adopted, the investigation will be in open session, with limitations as to the accounts that may be published in the newspapers.

Under a suspension of the rules, unanimously agreed to, the Senate paid tribute to the memory of the late Senator H. L. Garrett, of Alleghany, by taking up out of its order and passing a bill offered by the Alleghany Senator on the day he was taken seriously ill.

The bill is designed for the towns of the State from the burdens of the Madisonian, and is designed to compel the incorporated communities were compelled to contribute to the county road levy and keep up their own streets as well. The Gassett bill seeks to remedy this by providing that the jurisdiction of supervisors in laying the county road levy, with respect to the incorporated communities.

Discussion of the salary bill doubling the pay of members of the Legislature provoked some sharp differences. The bill was engrossed Saturday, carrying an appropriation, is reported on its passage, and was received but 20. Mr. Sadler quickly changed his vote and moved a reconsideration, which motion was passed by leaving the matter still open. Mr. Harman, of Richmond, voting aye, and Judge Philagiar, of Montgomery, voting no, were passed. The others lined up as follows:

Yeas—Campbell, Chapman, Dickinson, Echols, Fulton, Greer, Hobbs, Holt, Kezell, Kerns, Lassiter, Machen, Nelmeier, Noel, Rison, Roberts, Tavenner, Thomas, Walker—19.
Nays—Anderson, Garrett, Gunter, Mann, Sadler, St. Clair, Stroe, Turner, H. T. Wickham, T. A. Wickham—10.

Some scattering business ensued and the Senate by a vote of 21 to 4 then adopted the memorial to Congress with respect to the appropriation for rivers and harbors. A joint resolution offered by Mr. Holt, of Newport News, was unanimously adopted providing that the members of the State Board of Agriculture now in office, shall receive for the district for which they were appointed until their successors are appointed and qualify.

This resolution cures a complication caused with reference to one member by the new re-districting bill.

Considerable objection developed to the bill for the purpose of certifying names for their service as clerks to Boards of Supervisors. It was held by several Senators that the clerks are now the best-paid officers in the Commonwealth, and that no further allowances should be made. The bill, which was passed by a vote of 18 to 10, was amended against the bill in opposition. In this instance also Mr. Sadler changed his vote from aye to no, and moved a reconsideration, which motion was passed by a vote of 18 to 10.

At different times during the day discussion spent much valuable time discussing a procedure for the remainder of the week that would save time and avoid the possibility of some part of the significant mass of bills before the General Assembly. The subject was resumed, and was again discussed at some length. The danger of a "deadlock" and the really grave condition of affairs were emphasized by several members. Various plans were suggested, a resolution offered by Mr. Machen, of Alexandria, as a substitute for the resolution adopted in the House on Saturday, was voted down. The House resolution was then amended so as to fix the time limit for the consideration of Senate bills on their first and second readings Wednesday instead of Tuesday. At this point by a large majority, the Senate postponed final action on the entire matter until to-morrow.

At 6:30 P. M. the chair was vacated until 8 P. M.



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THE HOUSE.

Lower Branch Holds Three Long Sessions and Passes Bills.

Speaker Cardwell called the morning session of the House to order at 10 o'clock, and Rev. L. J. Haley offered prayer.

The House passed a long set of resolutions offered by Mr. Blaud, commending the gallantry of Postmaster of the United States Navy W. W. Galt, Jr., at Mids Bay in 1888, and the clerk was directed to communicate a copy of the same to the officer.

The Sadler resolution, providing for an investigation into the affairs of the Eastern State Hospital, was concurred in, after the section that the press shall be admitted, subject to the censorship of the committee, had been stricken out. The House also passed a bill prohibiting the redistricting of cities into wards except once in five years, unless by a four-fifths vote of the Councils of such cities, was passed without debate.

There was a sharp spat over House bill No. 63, relating to the sale of delinquent taxes. Mr. Lane demanded the reading of the bill, and Mr. Withers suggested that there was an apparent disposition on the part of some members to impede the progress of legislation, and Mr. Lane replied that, so far as the remainder of the bill was concerned, he would refer to him, he would remark that the gentleman from Nansemond was either "woefully ignorant or wilfully malicious." The reading of the bill was dispensed with, and it was ordered that Mr. Martin Williams, who deposited that he would never agree to vote upon a measure of such great magnitude in the absence of its reading. Quite a wrangle followed, and the chair ordered the reading of a substitute, which had been offered in the meantime.

Finally Defeated.

Mr. Cox opposed the substitute on the ground that there was no provision for personal service to the landowner. Mr. McKee got in an amendment wiping out the recurrent taxes on land from 1878 until 1883, and there were several other amendments offered and adopted. Mr. Caton moved that the time within which to redeem should be one year instead of four months, and this was adopted. Mr. Caton then moved that the amended Martin Williams' proposition be substituted on principle, and said its passage would work a great hardship upon his people.

"We had a boom up there some years ago," he said, "and enough lots were laid out to depopulate the New England States."

"This bill is wrong, and I shall not vote for it when it provides for the taking of a man's land from him without personal service."

Mr. Bowman defended the bill and read from it to show that ample notice is provided to the landowner. Mr. Lane spoke in opposition to the bill and said it was more far-reaching in its effect than the present land-grab act. The House by a vote of 50 to 24 refused to concur in the bill.

The Byrd resolution calling for an investigation into the matter of the price of public school books in Virginia was adopted without debate.

The House refused to take up out of its order Senate bill 38, amending the act to amend and re-enact an act entitled an act to establish a general road fund

(Continued on Ninth Page.)

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